

**EXHIBIT 3**



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February 13, 2017

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**VIA EMAIL TO balweh@hotmail.com**  
**AND VIA U.S. MAIL**

Ibrahim Nasser  
Post Office Box 5626  
Chula Vista, CA 91912

Re: *California Scents Co.*

Dear Mr. Nasser:

In addition to owning and operating the business of California Scents Co., my client Energizer Brands LLC also owns and operates the business of American Covers Inc. (collectively, "Energizer"). Consequently, Energizer has engaged our firm to represent it in connection with the Petition for Cancellation you filed concerning U.S. Trademark Reg. No. 4890647 (the "Cancellation Proceeding"), in addition to the matter raised in your letter to my partner, Alicia Grahn Jones, dated January 18, 2017 (the "CALIFORNIA SCENTS Matter").

With regard to the Cancellation Proceeding, without admission of any of the allegations contained in the papers you have submitted to the USPTO in the Cancellation Proceeding, and for settlement purposes only, Energizer is willing to contemplate an arrangement by which it surrenders for cancellation Reg. No. 4890647, which is on the Supplemental Register. This step would permit your pending applications against which Reg. No. 4890647 has been cited to proceed to registration. However, as consideration for doing so, Energizer requests that you and Serious Scents Inc. agree not to challenge Energizer's use of the design shown in Reg. No. 4890647 provided that use of that design is always accompanied by Energizer's DRIVEN trademark. Please advise if this arrangement is one you are willing to consider. In the meantime, we request a 30-day extension of Energizer's February 18, 2017 deadline to respond to your papers in the Cancellation Proceeding. Please let us know if you consent.

With regard to the CALIFORNIA SCENTS Matter, Energizer owns U.S. Trademark Reg. No. 1940353 for the mark CALIFORNIA SCENTS. That registration was filed March 30, 1993, giving Energizer nationwide constructive use of the CALIFORNIA SCENTS mark as of that date. That registration is in "Typed Drawing" format and, thus, does not cover any particular design. Therefore, Energizer and its predecessors were not required to continue using the design shown in the specimens originally or subsequently submitted in support of that registration, or any other particular design format, in order to maintain and renew that word-mark

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registration. Energizer and its predecessors have not abandoned rights in the CALIFORNIA SCENTS word mark shown in Reg. No. 1940353. Therefore, Energizer's rights in the CALIFORNIA SCENTS mark are senior to your and/or Serious Scents Inc.s' rights in any SERIOUS SCENTS mark. Thus, to the degree your January 18<sup>th</sup> letter is alleging a likelihood of confusion arising from the parties' concurrent use the phrases CALIFORNIA SCENTS and SERIOUS SCENTS, it would be your junior use of SERIOUS SCENTS that would need to yield to Energizer's senior rights. However, Energizer may be willing to allow the marks to coexist in the marketplace.

Moreover, to our knowledge, you and/or Serious Scents Inc. have not used the SERIOUS SCENTS logo in the manner shown on page 2 of your January 18<sup>th</sup> letter. We believe that depiction is a mock-up, rather than a display actually used in the marketplace. Consequently, Energizer will not accede to the demands contained on page 7 of your January 18<sup>th</sup> letter.

We look forward to hearing from you about the Cancellation Proceeding, and trust that this response addresses your concerns about the CALIFORNIA SCENTS Matter. This response is without prejudice to any of Energizer's rights, remedies, or defenses, all of which are expressly reserved.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W. M. Bryner', with a stylized, cursive flourish at the end.

William M. Bryner